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August 25, 2023

VIA ECF

Hon. J. Brendan Day, U.S.M.J.
United States District Court
402 East State Street
Trenton, NJ 08608

Re: *Association of New Jersey Rifle & Pistol Clubs,
Inc. et al. v. Platkin et al. ("ANJRPC")*
Docket No. 3:18-cv-10507
Cheeseman et al. v. Platkin et al.
Docket No. 1:22-cv-04360
Ellman et al. v. Platkin et al.
Docket No. 3:22-cv-04397

Dear Judge Day:

I represent State Defendants¹ in these above-captioned consolidated matters. State Defendants, as well as Plaintiffs in all three matters, have met and conferred pursuant to the Court's August 14, 2023 order (*see, e.g., ANJRPRC*, Dkt. 164). The following represents the parties' joint proposal regarding post-discovery motion practice and related issues.

¹ That is, the Attorney General of New Jersey and Superintendent of the New Jersey Division of State Police as to all three matters; and additionally the Camden County Prosecutor and Ocean County Prosecutor in the *Cheeseman* matter only.



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First, the parties agree that these three matters remain consolidated, pursuant to Local Civil Rule 42.1, so that any dispositive motions and/or *Daubert* motions¹ be decided by the same judge.² Second, the parties agree on a four-step briefing schedule, including order of the parties' briefing and deadlines for same, as set forth below. Finally, the parties agree that the end of all discovery in these three matters remains August 31, 2023.

The schedule proposed by State Defendants and all Plaintiffs is as follows:

Proposed Future Deadlines³

1. All discovery to be completed by **August 31, 2023**.
2. *Cheeseman* and *ANJRPC/Ellman* Plaintiffs' dispositive motion briefs, and/or *Daubert* motion briefs, to be filed by **October 6, 2023**.

¹ *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

² To the extent it is necessary, this Court should construe this letter as a joint motion to extend this Court's February 6, 2023 order consolidating these matters (*ANJRPC*, Dkt. 148) through the resolution of dispositive and/or *Daubert* motions.

³ Although all Plaintiffs will have the same deadline to do so, the *Cheeseman* Plaintiffs intend to file any motion/brief on their behalf separate from the *ANJRPC/Ellman* Plaintiffs. However, the *ANJRPC/Ellman* Plaintiffs will file only one motion/brief covering both the *ANJRPC* and *Ellman* matters. This is also consistent with prior motion practice in these matters (*see, e.g., ANJRPC*, Dkts. 139-140).

State Defendants and Plaintiffs also agree that, to the extent they intend to file both a dispositive motion and a *Daubert* motion, each motion would be addressed separately in its own brief.

Finally, the understanding of State Defendants and Plaintiffs is that the remaining two active defendants—Chester Police Chief McNamee and Wall Township Police Chief Brown, both named in their official capacities only in the *Ellman* matter—who have had no involvement during discovery, likewise will not be participating in this motion practice stage.

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3. State Defendants' combined dispositive motion response/cross-motion brief, and/or combined *Daubert* response/cross-motion brief, to be filed by **November 3, 2023**.
4. *Cheeseman* and *ANJPRC/Ellman* Plaintiffs' combined dispositive motion reply/cross-motion response briefs, and/or combined *Daubert* motion reply/cross-motion response briefs, to be filed by **December 4, 2023**.
5. State Defendants' dispositive cross-motion reply brief, and/or *Daubert* cross-motion reply brief, to be filed by **December 22, 2023**.
6. A party may request leave from the Court to file an overlength brief no later than seven (7) days before their deadline to file that brief. Before doing so, the requesting party must first meet and confer with the opposite party, and advise the Court whether the opposite party consents to the request.

Thank you for the Court's consideration of this matter.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Daniel M. Vannella
Daniel M. Vannella
Assistant Attorney General

cc: All counsel of record (via ECF)